

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

PURDUE PHARMA L.P., et al.,

Debtors.1

Chapter 11

Case No. 19-23649 (RDD)

On behalf of deceased father Ezzard Morales

Daughter, Amanda Morales of Bernalillo, New Mexico

Claimant # 619945

Hearing date 8/16/2021

Judge Robert D Drain

AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT

I Amanda Morales, to the best of my knowledge, information and belief, I declare under penalty of perjury that the foregoing information concerning the cause of death for Ezzard Morales my father, the information about serotonin syndrome and risks associated with OxyContin.

I'm over the age of 18 years old, I have personal knowledge of the facts stated herein, unless stated on information and belief, and if called upon to testify to those facts I could and would competently do so.

1. My name is Amanda Morales and I live in Bernalillo, New Mexico. Ezzard Morales was my father, he died on January 2, 2010, cause of death oxycodone (OxyContin), amitriptyline, citalopram and tremadol intoxication.
2. My father never married and I was his only child. He was 37 years old when he passed away and I was 16 years old at the time of his death.
3. My dad struggled with depression and had been prescribed antidepressants for several years. I was aware that he was prescribed OxyContin for his severe back pain. When he died I wasn't aware of interactions between serotonergic agents, like antidepressants that can cause serotonin syndrome when combined with OxyContin.
4. At the time of his death OxyContin didn't warn about drug interactions between OxyContin and amitriptyline, citalopram and tremadol. 6 years later the label was changed to warn people about serotonin syndrome and risks associated with OxyContin and antidepressants specifically the ones that caused his death.
5. Just like the autopsy report stated my father had a past cocaine and used to be an alcoholic. Even though that was in his past he always reminded his doctors and made sure his medical record had all of his medical history, family medical history and made sure his doctors were aware of his mental health status changes as he struggled with depression and anxiety for years he communicated any changes or improvements. He was not shy when it came to his health and always talked to his doctors about everything and often reminded them about his past medical

history and his health goals because he wanted the best treatment possible and treatment was important because he was trying to live a healthy lifestyle.

6. The cause of death wasn't fully explained to me and even though his death certificate says oxycodone, amitriptyline, citrampram and tremadol intoxication I didn't know what that really meant and since OxyContin was involved it was assumed to be the main culprit for his death.
7. My dad called me the day he died and his behavior wasn't normal. He sounded anxious and restless and complained that he felt hot. He was confused and irritated that he couldn't get comfortable. I told him to relax and get some rest and sleep. His girlfriend put him in bed and later he was found unconscious.
8. Since OxyContin was an opioid involved in his death it was believed to be the main culprit for his death. I knew that at the time a lot of people who were overdosing and getting addicted to opioids.
9. An autopsy report was completed on 1/16/2010 and the cause of death was determined to be an accidental overdose of his prescription medications. It was listed on his death certificate as oxycodone (OxyContin), amitriptyline, citrampram and tremadol intoxication. I didn't really understand what that exactly meant and was unaware that there was any risks associated with OxyContin and antidepressants. His death was very hard because I didn't have a definitive answer on what went wrong, I was just told it was an overdose but it was more than an overdose. It was an serotonin overdose that caused his medications to interact increasing serotonin levels in his brain and it killed him.
10. In March 2016 the FDA issued a safety announcement and changed the warning label on OxyContin. In the safety announcement serotonin syndrome and the risks were discussed. A list of medications that cause serotonin syndrome when combined with OxyContin were listed and both amitriptyline and citrampram were listed as medications that cause cause serotonin syndrome and be fatal. After reading the safety announcement I finally understood the cause of my dad's death more and got answers to the questions I had and the doubts I felt about his death. The symptoms of serotonin syndrome were changes and symptoms my dad had been experiencing before he died but I didn't know anything about the effects of OxyContin and antidepressants so it went unrecognized to have been a concern.
11. For years I didn't know what to think or how to feel about his death. Overdose can be a broad way to have his death explained to me. Overdose meaning it was an accidental? Overdose meaning drug abuse or misuse? Overdose meaning addiction? I didn't like how my dad's death was conveyed and it's unfair to try to make my dad's death seem like it was self inflicted. It wasn't but when people don't get a definitive answer it can make a person have doubts and caused me more pain than I already was experiencing. My mind thought so many different things and it's not right to victim blame and do that kind of thing to the family of the person who lost their life.
12. I just wanted to understand his death and it took so long for the information, warning and a more detailed explanation to be known. I needed that definitive answer to put my mind at ease instead of my thoughts and feelings to be all over the place with doubt and fear.
13. I went through a lot of emotional ups and downs and felt lonely, depressed, my anxiety worsened and I isolated myself. My father died 5 months before I was going to be graduating high school a year early and he was so excited and happy as we were planning my future. I was looking forward to being ahead and ready to transition into adulthood and was motivated and determined to get a head start and I was ready to go to college and start working at a young age.
14. I attempted to attend college but it didn't go very well and I wasn't focused or prepared for that kind of a challenge and I didn't continue to succeed in any further academic achievements. I was distracted and it was too much for me, I had little motivation and mental and emotional stability to excel in any of my classes. I attended

college for a year but it wasn't enjoyable or exciting and I didn't like the feeling of being unprepared and barely passing my classes so I didn't attend college a second year

15. My college experience was terrible and I didn't like the feeling of failure but I didn't like how much energy it took for me to force myself to try to focus and concentrate on basic lectures and doing the assignments it felt very forced and my heart wasn't in it.
16. Teenage years were difficult years and grieving my father's death added so much trauma and stunted me and I didn't enjoy my youth and I wasn't able to connect with people I became antisocial and depressed. I couldn't maintain healthy relationships with people because I was so distant and lost.
17. Even getting my first job didn't have the excitement I had thought it would have given me. I always pictured my dad being there for all those milestones like graduation, college and my first job.
18. My first job was at Presbyterian Hospital in the medical records department and I thought about how my dad my dad couldn't meet me for my lunch break or get to give me any advice or pep talks anymore. I felt disconnected and discouraged about work I also isolated myself and did my work but was very much to myself. My first job was hard because I was still grieving my father's death and I was a good employee but my energy levels were always inconsistent and I was starting to become very critical of myself.
19. My parents were my best friends and I looked to them for so much love and they had gotten me through life and really made a difference in my self esteem and confidence because I always struggled with that and a part of me was gone and that was painful and I felt like I didn't have anyone.
20. It effected my mental health and I went to counseling and it also effected my physical health and the anxiety and stress was making me sick. I even started turning to food for comfort and my weight was fluctuating and maintaining a healthy lifestyle was hard. My self esteem and the way I saw myself was very critical and my inconsistent weight made it hard to accept and love myself. My weight was always changing and the unhealthy destructive habit of eating a lot of junk food wasn't giving me the energy or nutrients my body needed. It was very unhealthy and it was hard because I was becoming dependent on food and it was really damaging for my self esteem and I felt guilty and ashamed it was very difficult at times. I had to really make major changes and start working towards a healthier lifestyle physically and mentally but I had a lot of issues and not having a plan like I normally had future plans and goals was difficult, I didn't really have any interests or idea what to do with my life for a long time. My grief was overwhelming and I turned to food and had a very unhealthy relationship and addiction to food, I was hurting my health putting myself at risk for diabetes, I was weak and vulnerable. It only made improving my self esteem harder and the journey to healing more complicated.
21. In the attachment #1 it's a picture of my dad holding me and my cousin Gabriella when we were babies. I'm the baby on the right, even as a baby the bond I had with my dad is written all over my face, he was my protector and he made me feel safe. I loved him and wanted him all to myself I didn't understand why he was holding my cousin too but it's because I hadn't yet learned to share. Family means a lot on both sides and I was taught unconditional love can get you through anything because life can be hard and people are unfair and both will be obstacles but with unconditional love and family I didn't have to do it alone. We had each other to take care of each other with anything we needed. On the college there's also a picture of my dad reading the morning newspaper and how breakfast typically was when I was younger. He'd often say I saved his life and I was his angel and I'd see the love in his eyes he was a proud and grateful dad. There's a picture of him holding me and he'd put out faces next to each other and say how much I looked like him.
22. I can definitely see a lot of him in myself and I did get my smile from him. For a long time after he died I didn't like looking in the mirror and staring at myself and seeing my dad in the reflection and it was hard to accept and love myself because I was missing a big part of myself and it was too much of a reminder that he was gone and for a long time I didn't know why he was gone was it truly an accident or was he reckless and had caused his

death, was he abusing OxyContin? Those questions were unanswered for so long and regardless I just wanted an answer because not knowing makes it hard to cope and grieve in a healthy way. It was torture thinking about all the possibilities overdose could mean and it took me to very dark and depressing places, it wasn't easy.

23. The truth is real and anything with a definitive answer and an explanation to understand is real and it's the truth no matter the answer and without that information given to me it caused me more pain and hurt as my mind questioned all the possibilities all the worst possible scenarios and extra unnecessary hurt. An explanation is all I ever needed to accept his death and cope with my grief in a healthy way instead of put my mental health at risk and even push me to find comfort in destructive behavior. Insanity is being foolish and unreasonable, it makes no sense and insanity is doing the same thing over and over again and expecting different results. In my head I tried to make sense of his death and I'd go over and over in my head and I was going insane doing the same thing over and over expecting different results and each time I was unable to come to a conclusion without uncertainty and each time I think about it and try to come to a conclusion and understanding about his death and no matter what conclusion I'd end up with each time I was left with doubt no matter how I looked at it I still didn't have any real definitive explanation or answer it was unsettling because there was an answer I just had no way of being able to find those answers because at the time of his death the information about OxyContin and serotonin syndrome wasn't detailed and the warning was vague there hadn't been a list of medications cautioned about that cause serotonin syndrome so I wasn't given all that important information until 6 years later.
24. Losing my dad at an important time in my life was rough because I still needed him for so many things. I needed his love, encouragement, advice, guidance, I needed and wanted him to be there for different milestones like graduation, college, my first job, when I got engaged and to walk me down the aisle at my wedding.
25. On my father's 21st birthday April 20, 1993 my mom went into labor with me and I was born the next day on April 21, 1993 so birthdays were always something special that we shared. I had a really hard time when he died I was a very broken person
26. My father wasn't warned about the interactions between OxyContin and the other medications he was taking. It took 6 years after he died for there to be any transparency and explanation for his death. Serotonin syndrome is undereducated and underreported and most physicians didn't know much about serotonin syndrome. It is my understanding that serotonin syndrome was discovered in the 1950s and opioids and antidepressants and other medications can be very dangerous. Purdue Pharma either knew about the risks and failed to warn or they didn't know because they failed to do enough trials and have data but later on got more data and information after already prescribing OxyContin. I don't know what went wrong and I'd like to know what happened and what went wrong. When claiming to be a safe medication and doing things like pleading to educate doctors and marketing and advertising several strategies to sell OxyContin as safe, claiming it changed lives and was non-addictive a lot of the "safety" procedures failed. The risk management system to determine which patients should be allowed OxyContin prescriptions failed, the information about OxyContin to physicians failed, the computer system that the pharmacies have that can detect drug interactions failed. A lot of things went wrong for this to happen
27. Special milestones in my life are not the same and I'm not the same losing my father as a teenager changed my life. I didn't transition into adulthood as a happy young person who enjoyed anything and it prevented me from making memories and enjoy the best years of my life. It took everything from me

and I have few memories with friends or family because I isolated myself and I myself had to struggle with anxiety and depression. It handicapped me because I was left with so much pain for so long I was lost, I felt lonely and I wasn't about able to maintain or form healthy close relationships and I became antisocial and the pain it caused me a lot anxiety, self esteem problems, social awkwardness, limited me to be productive and functional and I was very hard on myself and disappointed that I was unable to do normal things without a bunch going on in my head to where I dreaded enjoying being around friends and family and had constant battles in my head about how to do things and criticized myself a lot. I felt unsure about a lot of things the time I spent isolating myself as I was grieving put me at a disadvantage and limited me in my life. I was mad at myself for being so broken and I had a lot of goals before his sudden death at 16 I was so happy and proud of myself to be graduating high school a year early I was so determined and was ahead of my peers, I did good in school, was excited to go on to college, my dad was so proud and happy for me he couldn't wait to be at my graduation and help me plan my future. When he died I was 16 and I was still a child in so many ways and I didn't handle everything at that time in my life with the same determination and ambition I had before I lost my best friend, my dad.

Attachment #1

Best friends forever, my angel and my biggest cheerleader, my safety and security whenever I need help, advice or love. A glimpse of the life I had with my father Ezzard Morales. Special close bond, sharing our birthdays, unconditional love and support even as a baby I wanted him all to myself. He said I was his angel and saved his life but now he's my angel watching over me as I go through life. He's gone but not forgotten all I have to do is look in the mirror and I can see him as I look at myself, I have his smile, his hair, his eyes, I see him when I look in the mirror it used to be too hard to look in the mirror but now I appreciate the reminder and gifts he left me, I am who I am because of him and never will forget everything he taught me. His love for me was so strong no matter what was going on in his life he was the best dad, he died so young and was wanting to live a healthy lifestyle for his family. The pain I've experienced from his death has been overwhelming and unfair, it's unfair to call his death an overdose and no explanation about the cause of events that it really was. Without answers or the truth it was hard and I cremated my dad but didn't give him a proper burial, I didn't have the money to bury him and then I got attached and was selfish and kept him to myself but now it's time I bury him and I hope after this is all over I'll be able to afford the burial he deserves. I've kept his ashes for over 11 years, I had a lot of pain but now I'm ready to bury him, I understand and accept his death he needs
